

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

NORMAN NIELSON,

Plaintiff,

vs.

UNION PACIFIC RAILROAD COMPANY, a
Delaware corporation,

Defendant.

8:23CV21

**ORDER REGARDING COURT'S DRAFT
JURY INSTRUCTIONS AND VERDICT
FORM**

The case is before the Court in preparation for a jury trial set to begin on Tuesday, October 15, 2024. Attached to this Order are the Court's draft Jury Instructions and a draft Verdict Form. The Court has included annotations with each instruction indicating the Court's sources and authorities and explaining any resolution of differences between the parties' Proposed Jury Instructions and any departures by the Court from the parties' Proposed Jury Instructions. These annotations will be removed before the instructions are read to the jury; they are for purposes of discussion.

The Court deems it appropriate to set a deadline for the parties to *file* responses to the Court's drafts prior to the start of trial. A response is required to both the draft Jury Instructions and the draft Verdict Form even if a party has no objections. The Court and the parties must wrap up the language for Instructions 1 through 13 as soon as possible, because those instructions will be read at the beginning of trial. The Court also requires time to consider the parties' responses to Instructions 14 through 20 and the Verdict Form before the first jury instruction conference during trial.

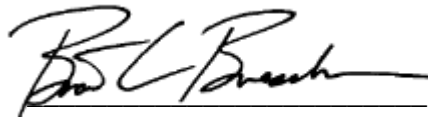
Requiring responses is not an invitation to “wordsmith” the Instructions or the Verdict Form. Merely “preferring” different language is not a ground for an objection. Any objections must be based in expected and identified evidence in the case or the nature of the damages requested and the failure-to-mitigate defense, must provide supporting authority, and must set out proposed alternative language. Failure to meet these requirements will constitute a waiver of any objection.

Accordingly,

IT IS ORDERED that the parties must file responses to the Court’s draft Jury Instructions and draft Verdict Form not later than 12:00 p.m. on Thursday, October 3, 2024. Any replies to the opposing party’s response to the Court’s draft Jury Instruction and draft Verdict Form must be filed no later than 12:00 p.m. on Monday, October 7, 2024.

Dated this 26th day of September, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", written over a horizontal line.

Brian C. Buescher
United States District Judge